

REGISTERED
SPEED POST



F.No. 375/39/B/15-RA
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

14, HUDCO VISHALA BLDG., B WING
6th FLOOR, BHIKAJI CAMA PLACE,
NEW DELHI-110 066

Date of Issue: 7/11/17

Order No. 90/17-Cus dated 02-11-2017 of the Government of India passed by ~~Shri R. P. Sharma, Principal Commissioner & Additional Secretary to the~~ Government of India, under section 129DD of the Custom Act, 1962.

Subject : Revision Application filed, under section 129 DD of the Customs Act 1962 against the Order-in-Appeal No. CC(A)Cus/D-I/Air/1152/2015 dated 06.08.2015 passed by the Commissioner of Customs (Appeals), NCH, New Delhi.

Applicant : Mr. Sudhir Kumar, New Delhi

Respondent : Commissioner of Customs, New Delhi

ORDER

A Revision Application No. 375/39/B/15-R.A. dated 24.08.15 has been filed by Shri Sudhir Kumar (hereinafter referred to as the applicant) against the Order No.CC(A)Cus/D-1/Air/1152/2015 dated 06.08.2015, issued by Commissioner of Customs (Appeals), New Delhi, whereby the applicant has been allowed to redeem the confiscated foreign currency on payment of redemption fine of Rs. 12,35,000/-, and penalty of Rs. 5,00,000/-.

2. The revision application is filed mainly on the ground that the applicant was going to dubai and was having a foreign currency equivalent to Rs. 69,47,315/- and Indian currency of Rs. 12,000/- which was earlier brought by him from Dubai and the same was obtained by him in Dubai from his friends as loan. These currency were absolutely confiscated by the Customs as he did not have any documentary evidence to prove the acquirement of the said foreign currency through legal means. Being aggrieved, the applicant filed an appeal before Commissioner (Appeals) who vide its order dated 06.08.2015 ordered for the release of foreign currency on payment of redemption fine of Rs. 12,35,000/- and personal penalty of Rs.5,00,000/-. Applicant has now through the instant revision application has challenged the order of Commissioner (Appeals) on the grounds that the redemption fine and penalty imposed by the Commissioner (Appeals) is too exorbitant and may be reduced. A personal hearing was held in this case on 10.10.17 and Shri S.S.Arora, Advocate, appeared on behalf of the applicant. However, no one appeared for the respondent. Shri Arora reiterated the above discussed grounds of appeal and requested for reduction of redemption fine and the personal penalty.

3. From the revision application it is evident that the applicant does not dispute the Commissioner (Appeals)'s order regarding confiscation of the goods which were attempted to be illegally exported out of India by him in violation of Customs Act and the Foreign Trade (Development and Regulation) Act 1992 and his request is limited to a point that the redemption fine and penalty should be reduced. However,

no cogent reason has been given in revision application to warrant further reduction. Considering that redemption fine and penalty imposed by the Commissioner (Appeals) for releasing the confiscated foreign currency are just 25% of the total value of foreign currency, the Government does not find any reason for interfering in this matter.

4. Accordingly, the revision application filed by the applicant is not maintainable and hence rejected.

R. P. Sharma
2.11.17

(R. P. Sharma)

Additional Secretary to the Government of India

Mr. Sudhir Kumar,
L-26, Shastri Nagar, New Delhi
110 052.

Order No. 40/17-Cus dated 02/11/2017

Copy to:

1. Commissioner of Customs, IGI Airport Terminal-3, New Delhi-110037
2. Commissioner of Customs (Appeals), New Custom House, Near IGI Airport, New Delhi - 110037.
3. Additional Commissioner of Customs, IGI Airport, New Custom House, New Delhi
4. Shri S.S.Arora, Advocate, S. S. Arora & Associates, B-1/71, Safdarjung Enclave, New Delhi-110029
5. PA to AS(RA)
6. Guard File.
7. Spare Copy

ATTESTED

R. P.
02/11/17

(Ravi Prakash)
OSD (REVISION APPLICATION)